

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bradly A. JENDERSEE, et

Appl. No. 09/189,597

Filed: November 10, 1998



Art Unit: 3731

Examiner: William LEWIS

Atty. Docket: P107 CON 1

For: **Stent Delivery and Deployment
Method**

AMENDMENT AND REPLY UNDER C.F.R. § 1.116

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated December 7, 1999, a terminal disclaimer is filed herewith. Please consider the following remarks:

REMARKS

Double Patenting Rejections:

Claims 16-34 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 5,836,965.

Applicants noted in their previous response that a terminal disclaimer is not necessary in this case because the term of a patent issuing from this application will not extend beyond the term of any related patent that has issued or will issue that is based on the same priority application.

Examiner states that Applicant's arguments filed on 9-23-99 have been fully considered but they are not persuasive. The examiner further states that a Terminal Disclaimer is needed to

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